

On The Docket

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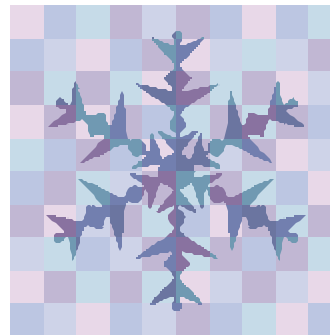
Inner Workings: News & Advice

By: Susan M. Thurston, Clerk of Court

Happy Holidays to All! As usual, we have much news to report this quarter regarding activities at the Court. Our efforts to implement a new case management/electronic filing system are proceeding full steam and we expect to finish the extensive dictionary work in early January. After that, the Court will begin internal training of court staff, followed by several conversion trials of our existing case management system. During the month of February, we will run 3 test con-

versions of our BANCAP system into the CM/ECF system. Then, during the last week of February, we will run the live conversion. This will convert our entire existing bankruptcy database into the new CM/ECF system, to provide one complete case management system with electronic filing capabilities. Our internal "go live" date will be March 3, 2003.

Every member of the Court is involved in some way in the im-



Happy Holidays

plementation process, and with our current bankruptcy filings on the rise, no budget approved by Congress and no additional personnel resources provided, the workload at the Court has never

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Team Coach

By: Cindy Cory, Courtroom Deputy

Highlights of the Amendments to Local Rules effective December 1, 2002.

Local Rule 1005-1(a) Filing Papers - Requirements

Caption of Papers. The bankruptcy case name, number, and chapter shall appear on all papers filed with the Clerk and must also appear on the signature page of all documents filed with the court. As a

courtesy to our filers, the Deputy Clerk Case Managers have been writing the case name and number on signature pages lacking them. In the future, the Clerk's office will no longer be

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(News & Advice cont. from page 1)

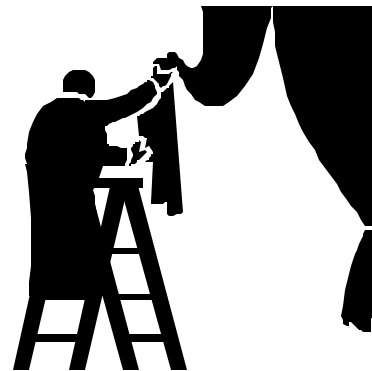
been busier. Thus, it would be extremely helpful if members of the Bar would carefully review their papers before filing to ensure adherence to local rules and procedures, and pay particular attention to the items discussed *infra* in the *Team Coach* column.

On December 1, 2002, the Court's 2002 amended local rules, forms and Administrative General Order regarding Electronic Filing went into effect. Elsewhere in this edition, *see*

page 5 *infra*, we highlight the most significant changes of the year — including motions for relief from stay and court notices of dismissal. Copies of these changes are available on our website or in hard copy in the Clerk's office. Due to the upcoming conversion to CM/ECF, several of the rule changes will not take effect until March 3, 2003, but are included in the adoption notice in order to bring them to your attention as early as possible.

A final note — our courtroom renovation project is now complete with the addition of beautiful window treatments. We hope you like the improvements as well as the state of the

art evidence presentation system. If you have not yet been trained on the use of the equipment, please speak to either the courtroom deputy or electronic court recorder operator to make an appointment to do so.



(Team Coach cont. from page 1)

writing this information on signature pages, and therefore any missing documents without captions will be the responsibility of the filer to furnish to the court. Attorneys, in the future, will be electronically filing pleadings, and this is a good time to be getting into the habit of ensuring pleadings are correct before they are filed.

Rule 4001-1(c) Relief from Automatic Stay. A reminder to parties filing for relief from stay to include the objection deadline language below on your document in addition to a certificate of service. **Rule 1005-1(3)(1).**

Within ten (10) days after service as evidenced by the certification, and an additional three(3) days pursuant to Fed. R. Bank.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be

deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.



Ensure your pleadings are correct before filing

Leonard DePasquale Appointed Assistant U.S. Trustee in Providence, RI

Leonard DePasquale has been appointed Assistant United States Trustee to head the Providence, R.I., office of the United States Trustee. The U.S. Trustee Program is a component of the Justice Department that protects the integrity of the bankruptcy system by overseeing case administration and litigating to enforce the bankruptcy laws. DePasquale's appointment took effect Sept. 23, 2002.

Immediately before joining the Program, DePasquale was

a partner and managing attorney in the Boston/Providence law firm of Ablitt, Caruolo & DePasquale LLP. Prior to that, he served as the principal legal counsel and Staff Judge Advocate for the Rhode Island Executive Military Department and Army National Guard. He has also served as a Justice of the Peace and Bail Commissioner for the Rhode Island District Court and as a Special Assistant Attorney General for the Rhode Island Department of Attorney General. He is a former police sergeant and a former

United States Marine.



DePasquale received his law degree, magna cum laude, in 1992 from the New England School of Law in Boston, and his Bachelor of Science degree, cum laude, in 1989 from Roger Williams College in Bristol, R.I.

HOLIDAY CLOSINGS

The Clerk's Office will be **CLOSED . . .**

At **12:30 pm** on Tuesday, **December 24**, in celebration of Christmas Eve,
All day Wednesday, **December 25**, in celebration of Christmas.

At **12:30 pm** on Tuesday, **December 31**, in celebration of New Year's Eve,
All day Wednesday, **January 1, 2003** in celebration of New Year's Day.

All day Monday, **January 20**, in celebration of Martin Luther King Day,
All day Monday, **February 17**, in celebration of President's Day.



Rhode Island Adopts Streamlined Relief From Stay Procedure

By: Jonathan C. Calianos, Esq., Career Law Clerk

Beginning December 1, 2002, the procedure on relief from stay motions changed dramatically. The most notable changes are that a summons is no longer required for service of the motion and a Joint Pre-Trial Order will not have to be filed prior to the initial hearing. In response to practitioners' requests to have a more cost effective and streamlined approach, the Court amended its local rules governing relief from stay practice. Amended R.I. LBR 4001-1 provides that: "All documents filed pursuant to this rule shall be served in accordance with Fed. R. Bankr. P. 4001(a) and 9006(d)-(f)." Specifically deleted from the new rule is the requirement that a summons be served with the motion. The practical effect is that a hearing date will no longer be set when the motion is filed. Instead, the motion will be held for a thirteen day objection period (10 days plus an additional three days if the motion was served by mail or electronically under the soon to be live CM/ECF System). If no objection is timely filed, the motion may be granted by rule of Court without a hearing. If a timely objection is filed, the Court will schedule a hearing within the thirty day period set forth in Section 362(e). The filing at-

torney should also note that R.I. LBR 1005-1 was amended deleting sub-paragraph (e)(5). This change will now require the filing attorney to include the "Response Time Language" contained in LBR 1005-1 (e)(1) in all relief from stay motions filed.

The initial hearing will be a consolidated preliminary and final non-evidentiary hearing and the parties should **not** file a Joint-Pretrial Order before this hearing. If the motion is not resolved at this initial hearing and the Court determines that an evidentiary hearing will be necessary to rule on the motion, the Court will continue the matter to another date and a Joint Pre-Trial Order must be filed within **three business days** of the continued hearing date. *See* R.I. LBR 4001(h). The Joint Pre-Trial Order procedures are similar to what was used in the past. The moving party has the initial burden of preparing the Joint Pre-Trial Order and must submit a draft to opposing counsel within **five days of the conclusion of the preliminary hearing**. *See* R.I. LBR 4001-1(j)(1). Opposing counsel then has **three business days** to edit and finalize the Joint Pre-Trial Order. As always, these deadlines can be shortened or enlarged by the Court based upon the facts of the

case. However, absent a Court order, parties will be expected to comply with these deadlines whenever an evidentiary hearing is scheduled on the relief from stay motion. As was the procedure in the past, failure to timely file the Joint Pre-Trial Order may result in the automatic denial of the relief from stay motion and canceling of the final evidentiary hearing.

The amended rule also contains a requirement that if parties are seeking to continue the preliminary consolidated hearing to a date outside the thirty day period set forth in Section 362(e), the request for a continuance must include an affirmation that the creditor consents to extending the thirty day time limit set forth Section 362(e).

Hopefully these new procedures will prove to be less cumbersome and more cost effective by resolving these matters without the additional burdens of obtaining a summons and preparing a Joint Pre-Trial Order.



New Local Rule and Form Changes, Effective December 1, 2002

By: Susan M. Thurston, Clerk of Court



Consistent with the national federal rules effective date, the Bankruptcy Court has adopted amendments to its local rules and forms, which took effect on December 1, 2002. This article will highlight the most significant changes, but practitioners are encouraged to obtain a complete copy of the amended rules and forms either from the court's website or at the Clerk's office. A new local rule book is in publication and will be ready for distribution early next year.

Aside from the several rule changes that are in anticipation of the Court's conversion to a new case management/electronic filing system (CM/ECF), five of which do not take effect until March 3, 2003, there are at least three substantive changes that parties and counsel should be aware of immediately.

First, **the deadline for U.S. Government officers and agencies to respond to motions, applications, and certain objections (moving papers) has been reduced from 20 to 10 days**, plus an additional three days if served by mail or electronically. For practical purposes, this means that the objection deadline in

ALL cases filed with the court is now 13 days (with the exception of those matters covered by specific deadlines contained in the federal rules of bankruptcy procedures, *see for instance*, Fed.R.Bankr.P. 2002). Previously, as a result of the U.S. Trustee being a party to every chapter 11 case, the deadline for responding to motions and other moving papers in chapter 11 was set at 23 days. From now on, this deadline will be set at 13 days in all Chapter 11 cases (with the exception noted above).

Second, the court has adopted a **new rule governing the appearance of eligible law students in bankruptcy**. This rule was prompted by the proposed formation of a Bankruptcy Clinic at Roger Williams Law School, which, when in full operation, will allow eligible law students to represent chapter 7 debtors in bankruptcy under the supervision of a practicing attorney.

Third, the Court has **dramatically modified the relief from stay procedures** to reduce litigation costs to parties by eliminating some of the filing requirements. *See separate article on this change, infra at page 4.* The majority of the remaining

changes pertain to the upcoming electronic filing system, and **new rule 5005-4, entitled "Electronic Filing"**, serves as the cornerstone rule by authorizing electronic filing and specifying other aspects of the process such as service and the official court record. The detailed procedures for participating in the electronic filing system are contained in a December 6, 2002 Administrative General Order, which is available both on the court's website and at the Clerk's office. Other miscellaneous rule changes eliminate the need for copies of documents (LBR 1002-1, 1005-1, 5005-1), explain the certificate of service in an electronic environment (9013-3), or alter the dismissal procedures for noncompliance with federal and local rules (1007-1, 2083-1). This last change is significant as cases will be dismissed immediately after the expiration of the filing deadlines (i.e. 15 days to file all schedules and statements), without an additional order to show cause being issued. This change is consistent with the practice in other bankruptcy courts and ensures that cases are properly filed and ready for review by the case trustee and creditors at the scheduled 341 Meeting of Creditors.

CM/ECF COMMITTEE UPDATES

Reports Committee

By: Gail Kelleher, Chair

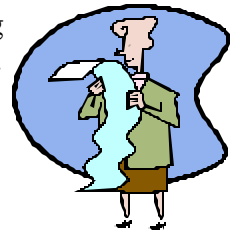
One of the benefits of the new case filing system is the ability to produce customized reports. **External users have access to five different reports:** Cases Report, Claims Register, Docket Report, Calendar Events Report and Creditor Mailing Matrix. Each of these reports may be customized by choosing different criteria, or completing different fields (or combination of fields) of information. Various sort options are available.

For example, a Cases Report may be run with specific criteria regarding File Date, Case Type, Case Chapter, Case Status,

or whether the desired cases were dismissed, converted or discharged. The Claims Register requires a case number, but the search may be narrowed by selecting a range of claim numbers, a filing date range, or a search by creditor. The Docket Report includes hyperlinks to the .pdf image associated with each entry. You may also view the Notice of Electronic Filing from this report which lists all parties who have received a copy of the document, and the format by which they received it.

Another useful tool is the Calendar Events Report. This

report generates a calendar for a particular day, or by hearing type, and is a convenient way for Trustees and Debtors' Counsel to generate a Section 341 Calendar by chapter. The Calendar Events Report may be viewed and printed free of charge - no Pacer charges are incurred unless you click the hyperlink within the calendar. All other reports require external users to log into their Pacer account before running the report.



Work Process Committee

By: Cindy Cory, Chair

This committee has been hard at work for several months. The documentation of existing Bancap processes and work flow has been accomplished. The committee captured each paper type as it entered the Court. By using flow charts, the committee followed the processes as papers

traveled from location to location within the Court.

The committee is now beginning work on documenting processes in CM/ECF. This is a daunting task as the processes now become "paperless". Many of the Court's procedures will

change as a result of the system. This committee will be capturing, documenting, and even developing new internal operations. The resulting information will become the Court's internal training manual and instructional guide.

Internal Training Committee

By: Linda Spaight & Jody Ventui

The Internal Training Committee was created to develop an internal training plan and an internal users manual, as well as train court staff in preparation for conversion to CM/ECF, our new case management system. Because of all the tasks that must be accomplished prior to implementation of CM/ECF, the public may experience some delay in the processing of pleadings and may get the court staff's voice mail

slightly more often than in the past. However, your pleadings will be processed in as timely a manner as possible and your phone calls will be returned promptly. This is the largest scale project that our court has ever undertaken, and it will bring major changes. These changes are challenging for everyone, but please remember that it is a change for the better as it will provide us with new and better ways to serve you. We

appreciate and thank you for your patience during this implementation phase, which will be complete when we go live on the new system March 3, 2003.



Training for Internal Users
beginning January, 2003

Local Support Committee

By: Ann McGloshen, Chair

The goal of the Local Support Sub-Committee is to provide support to the user community (internal and external) before, during and after installation. The primary focus of this committee is to develop a support structure (troubleshooting) and an end user help desk. The members of the CM/ECF Local Support and Resource Sub-Committees have combined their energies towards this end and are currently working towards developing a full-service help desk that will be available to both our internal and external users once the court goes "Live" on CM/ECF. And, by the way, our

"Go Live" date is fast approaching...March 3, 2003.

The help desk will consist of a software program available through our website, which will have a searchable question & answer format. This feature allows you to obtain assistance 24 hours a day/ 7 days a week. In addition, we are planning to have a telephone extension dedicated to answering your CM/ECF questions. This phone line will be

staffed by trained members of the Clerk's Office during normal business hours.

As the Help Desk feature of CM/ECF develops, additional information will be broadcast via the court's webpage. Also, keep watching the courtroom video presentations to learn of our progress and readiness.



Rhode Island Bankruptcy Court

PRESS RELEASE

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**RHODE ISLAND BANKRUPTCY COURT READIES FOR CONVERSION TO
ELECTRONIC FILING SYSTEM**

FOR IMMEDIATE RELEASE

PROVIDENCE, RI [December 11, 2002] - In March of 2003, the Rhode Island Bankruptcy Court will join the rising tide of federal courts throughout the country implementing a new Case Management/Electronic Case Filing System, better known as **CM/ECF**. This new system was developed by the Federal Judiciary to replace outdated case management systems in more than 200 federal courts nationwide. Across the country, the federal courts are leading the implementation of e-filing and, here in Rhode Island, we are proud to be the first court in the state to soon offer electronic filing to the legal community.

With CM/ECF, attorneys will be able to file and view court documents from their office, home or anywhere with Internet capability -- 24 hours a day/7 days a week. Participating attorneys receive automatic email notification of case activity; will have the ability to download and print documents; and will be able to electronically access case files simultaneously with other users.

The CM/ECF system uses standard computer hardware, an Internet connection and a browser, and accepts documents in Portable Document Format (PDF). The system is user friendly - filers just prepare a document using a word processing software, then convert it to PDF. After logging onto the court's web site with a court-issued password, the filer fills out several screens with information that serves as the basis for the docket entry, attaches the document and submits it to the court. A notice verifying court receipt is generated and sent by email to the filer automatically. Other parties in the case also receive email notification as soon as any action is taken in the case.

There are no added fees for filing documents over the Internet using CM/ECF; although existing document filing fees do apply.

As the Bankruptcy Court moves closer to our March conversion date, attorneys will want to be familiar with the Court's December 6, 2002 Administrative General Order Establishing Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Other Documents in the Electronic Case Filing System; recent amendments to local rules addressing electronic filing issues, and several new forms for use with CM/ECF. All of this information is available on the court's website at www.rib.uscourts.gov, under Hot Topics/CMECF/Local Rules, or in the Clerk's Office.

Training on CM/ECF will be mandatory for all attorneys interested in using the system. Training will begin in June 2003 for our wave one attorney group, with our live electronic filing date projected as July 1, 2003. Thereafter, we will offer continuous training classes for all interested attorneys. A short introductory movie developed for attorneys is available on the court's website under Hot Topics. In addition, attorneys interested in getting a feel for the system, who currently have high speed internet access, may practice by using the CBT's (Computer Based Training) also available on the court's website, or may obtain a CD version of the CBT's from the court for those without modem access. The CBT module demonstrates the various filing steps including opening a case and docketing a motion.